

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

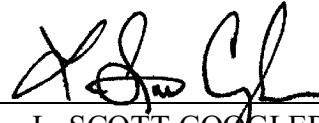
GABRIEL SCAFF-MARTINEZ,)	
)	
Plaintiff,)	
)	
vs.)	CV 02-CO-0435-E
)	
FEDERAL BUREAU OF PRISONS,)	
)	
Defendant.)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on January 7, 2005, recommending that the defendant's special report be treated as motion to dismiss and as such that it be granted and this cause be dismissed for failing to state a claim upon which relief can be granted. The plaintiff filed objections on January 24, 2005.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, defendant's motion to dismiss is due to be GRANTED and this action is due to be DISMISSED for failing to state a claim upon which relief can be granted. A Final Judgment will be entered.

Done this 16th day of February 2005.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE